

REMARKS

Claims 1 and 19 have been amended (i) to clarify the language in step (b), (ii) to specify that the suspension culture step induces formation of embryogenic calli, (iii) to add step (f) to specify culturing the embryogenic calli to induce formation of embryoids and (iv) to amend previous step (f) to specify germinating an embryoid to obtain a young transgenic plant. Support for (ii) can be found at page 9, lines 9-19 and page 16, lines 18-22 and lines 26-29. Support for (iii) can be found at page 16, lines 18-24 and page 17, lines 3-4. Support for (iv) can be found at page 10, lines 7-10 and page 17, lines 3-8.

Claims 3, 6 and 7 have been amended to be consistent with amended claim 1.

Claim 9 has been amended to more clearly specify that the medium of claim 7 further contains potassium nitrate.

Claim 17 has been amended to specify that the hormones are present at a concentration "up to" the specified amount. Support for this subject matter can be found at page 10, lines 4-7.

New claims 20-30 have been added.

Claims 20 and 23 are directed to the method of claim 1 or 19, respectively, further comprising the step of growing the young transgenic cotton plants to produce cotton plants capable of growth in soil. Support for this subject matter can be found at page 17, lines 3-10.

Claims 21 and 24 are directed to the method of claim 20 or 23, respectively, in which the carbon source of the medium is specified. Support for this subject matter can be found at page 9, lines 24-27.

Claims 22 and 25 are directed to the method of claim 21 or 24, respectively, in which the carbon source of the medium is specified. Support for this subject matter can be found at page 9, lines 24-27.

Claims 26-30 are directed to the method of claim 19 or its dependent claims and are similar to claims 7 and 11-14.

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Reply to Office Action mailed 19 May 2006

It is submitted that these amendments do not constitute new matter, and their entry is requested.

Claim Objection

The Examiner objected to claim 17 under 37 CFR 1.75(c) as being of improper dependent form for not further limiting the subject matter of a previous claim. Applicants submit that the amendment to the claim obviates this objection, and its withdrawal is requested.

Rejection Under 35 U.S.C. § 102(b)

The Examiner rejected claims 17 under 35 USC §102(b) as being anticipated by Strickland (WO 97/12512). Applicants submit that claim 17 as amended requires that a plant hormone be present (since the step is carried out in the presence of a hormone) and that the amount may be up to about 0.5 mg/l for 2,4-D and up to 1 mg/l for kinetin. In view of the amendment to the claim, Applicants submit that Strickland does not anticipate claim 17.

In view of the above amendments and remarks, it is submitted that the Strickland does not anticipate the claimed invention. Withdrawal of this rejection is requested.

Rejection Under 35 USC § 103(a)

Claims 1-8 and 10-14 and 16-17 are rejected under 35 USC §103(a) as being unpatentable over Armstrong et al. (US 2004/0087030) in view of Strickland (WO 97/12512). The earliest effective date for Armstrong et al. is 18 December 1998. Applicants reduced the present invention to practice in a WTO country prior to this date. Applicants are in the process of executing a Rule 131 declaration that will remove Armstrong et al. as prior art. A copy of the unsigned declaration is attached for the convenience of the Examiner. An executed copy will be submitted as soon as it has been transmitted to the undersigned. In view of the evidence submitted in the Rule 131 declaration, Applicants submit that the subject matter was reduced to practice prior to the earliest effective date of Armstrong et al. Thus, Applicants submit that Armstrong is not prior art against the claimed subject matter.

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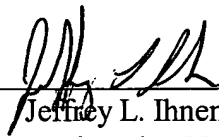
In view of the above amendments and remarks, it is submitted that the present invention is not obvious from the cited prior art. Withdrawal of this rejection is requested.

Conclusions

In view of the above amendments and remarks, it is believed that the claims satisfy the requirements of the patent statutes and reconsideration of the instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,
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By



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Attachment: Unexecuted copy of Declaration Under 37 CFR 1.131(a)

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